

JS 44 (Rev. 06/17)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Candese Combs

(b) County of Residence of First Listed Plaintiff Philadelphia
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Law Offices of Robert T Vance Jr, 100 South Broad Street, Suite 1525,
Philadelphia PA 19110 215 557 9550

DEFENDANTS

St. Christopher's Healthcare LLC, American Academic Health System LLC, and Paladin Healthcare Capital LLC

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)
Unknown

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
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V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from Another District (specify)
☐ 6 Multidistrict Litigation - Transfer
☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 USC Section 1981

Brief description of cause:

Employment discrimination - race

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE NONE

DOCKET NUMBER

DATE

3/12/2019

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

19

1044

JS 44 (Rev. 06/17)

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St. Christopher's Healthcare LLC, American Academic Health System LLC, and Paladin Healthcare Capital LLC

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Attorneys (If Known)
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42 USC Section 1981

Brief description of cause:

Employment discrimination - race

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND:

☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE NONE

DOCKET NUMBER

MAR 12 2019

DATE

3/12/2019

SIGNATURE OF ATTORNEY OF RECORD

Robert T Vance Jr

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

NIQA

NIQA

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

19 1044

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: Philadelphia, Pennsylvania
 Address of Defendant: Philadelphia, Pennsylvania
 Place of Accident, Incident or Transaction: Philadelphia, Pennsylvania

RELATED CASE, IF ANY:

Case Number: N/A Judge: Date Terminated:

Civil cases are deemed related when Yes is answered to any of the following questions.

- | | | | |
|---|---|------------------------------|--|
| 1 | Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2 | Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3 | Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4 | Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE 3/12/2019 Attorney-at-Law / Pro Se Plaintiff 37692 Attorney I.D. # (if applicable)

CIVIL: (Place a ✓ in one category only)

A. Federal Question Cases:

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
☐ 2. FELA
☐ 3. Jones Act-Personal Injury
☐ 4. Antitrust
☐ 5. Patent
☒ 6. Labor-Management Relations
☒ 7. Civil Rights
☐ 8. Habeas Corpus
☐ 9. Securities Act(s) Cases
☐ 10. Social Security Review Cases
☐ 11. All other Federal Question Cases
 (Please specify) _____

B. Diversity Jurisdiction Cases:

- ☐ 1. Insurance Contract and Other Contracts
☐ 2. Airplane Personal Injury
☐ 3. Assault, Defamation
☐ 4. Marine Personal Injury
☐ 5. Motor Vehicle Personal Injury
☐ 6. Other Personal Injury (Please specify) _____
☐ 7. Products Liability
☐ 8. Products Liability - Asbestos
☐ 9. All other Diversity Cases
 (Please specify) _____

ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, Robert T Vance Jr, counsel of record or pro se plaintiff, do hereby certify

Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs.

Relief other than monetary damages is sought.

DATE 3/12/2019 Attorney-at-Law / Pro Se Plaintiff 37692 Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38

MAR 12 2019

NIQA**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA****CASE MANAGEMENT TRACK DESIGNATION FORM**

CANDESE COMBS
v.
ST. CHRISTOPHER ' S
HEALTHCARE LLC, ET AL.

CIVIL ACTION

19 **1044**
NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

3/12/2019
Date

215 557 9550

Telephone

Robert T. Vance Jr.
Attorney-at-law

215 278 7992

FAX Number

Robert T. Vance Jr.

Attorney for

rvance@vancelf.com

E-Mail Address

MAR 12 2019

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

CANDESE COMBS	:	CIVIL ACTION
v.	:	
ST. CHRISTOPHER ' S	:	
HEALTHCARE LLC, ET AL.	:	NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

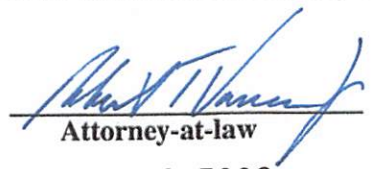
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3/12/2019
Date

215 557 9550

Telephone


Attorney-at-law

215 278 7992

FAX Number

Robert T. Vance Jr.

Attorney for

rvance@vancelf.com

E-Mail Address

United States District Court for the Eastern District of Pennsylvania

Candese Combs

v.

St. Christopher's Healthcare LLC,
American Academic Health System LLC
And Paladin Healthcare Capital LLC

:
:
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:
:
:
:

Civil Action No.
Jury Trial Demanded

Complaint

Plaintiff, Candese Combs, brings a series of claims against Defendants, St. Christopher's Healthcare LLC, American Academic Health System LLC and Paladin Healthcare Capital LLC, of which the following is a statement:

Jurisdiction and Venue

1. This Court has original jurisdiction to hear this Complaint and adjudicate the claims stated herein under 28 U.S.C. §§ 1331 and 1343, this action being brought under the Civil Rights Act of 1866, 42 U.S.C. § 1981 ("Section 1981"), and the Civil Rights Act of 1991, Pub. L. 102-166, 105 Stat. 1071 (Nov. 21, 1991).

2. Venue is proper in the Eastern District of Pennsylvania pursuant to 28 U.S.C. § 1391(c).

The Parties

3. Plaintiff, Candese Combs, is an African-American female citizen of the United States and a resident of this judicial district.

4. Defendant St. Christopher's Healthcare LLC ("St. Christopher's") is a Delaware limited liability company that operates St. Christopher's Hospital for Children (the "Hospital") located at 160 East Erie Avenue, Philadelphia PA 19134.

5. Defendant American Academic Health System LLC (“AAHS”) owns or manages academic and community-based acute care hospitals. It’s principal place of business is located at 222 N. Sepulveda Boulevard, Suite 900, El Segundo CA 90245. AAHS owns the Hospital.

6. Defendant Paladin Healthcare Capital LLC (“Paladin”), a national healthcare management company, has its principal place of business located at 2121 Rosecrans Avenue, Suite 2320, El Segundo CA 90245. AAHS is an affiliate of Paladin.

7. The acts set forth in this Complaint were authorized, ordered, condoned and/or done by defendants’ officers, agents, employees and/or representatives while actively engaged in the management of defendants’ business.

Background Facts

8. Ms. Combs was hired by defendants as the Operating Room Nurse Manager in March 2016. In that capacity, she reported to Edna Gilliam, a Black female and the Hospital’s Director of Perioperative Services. Ms. Combs also served as the Nurse Educator for Perioperative Services, and at times functioned as the Assistant Director of Perioperative Services. Ms. Combs was the only Black Nurse Manager at the Hospital.

9. At the time of her hire, Ms. Combs had over 9 years’ nursing experience, having earned both her Bachelor of Science in Nursing and obtained a RN license.

10. On November 19, 2018, Ms. Combs’s employment with the Hospital was terminated when she was told that her position was being immediately eliminated. In truth, however, her employment was terminated because of her race and in retaliation for complaining about the discriminatory and harassing actions of defendants’ employees.

11. Ms. Combs served as the Hospital’s Interim Nurse Manager for the Short Procedure Unit (“SPU”) in 2017, and was interested in obtaining that position as a permanent

assignment. However, in August 2017, Ms. Combs was removed as Interim Nurse Manager for the SPU. Joanna Horst, a White female and the Hospital's Chief Nursing Officer, told Ms. Combs that she was "not ready" to become the Nurse Manager for the SPU.

12. Ms. Horst then hired Donna Hansel, a White female, as the Nurse Manager for the SPU. Ms. Hansel had no prior experience as Nurse Manager.

13. Ms. Combs was removed from the SPU Nurse Manager position because of her race.

14. As a result of being removed from that position, Ms. Combs became a per diem employee of the Hospital, and thereby incurred significant economic damage.

15. In December 2017, Ms. Combs returned to the Hospital as the full-time Nurse Manager for the Operating Room. Among her responsibilities in that position was organizing the Nurse Work Schedule.

16. At the time, Maureen Benson, a White female with approximately 30 years' experience at the Hospital, was primarily responsible for maintaining the Nurse Work Schedule. Although she did not hold the title, Ms. Benson held herself out as the Nurse Manager for Perioperative Services. (See Exhibit A attached hereto and made a part hereof)

17. On May 4, 2018, Ms. Combs discovered that Ms. Benson was forging employee signatures in connection with approving requests for paid time off. Ms. Combs reported Ms. Benson's actions to her superiors, and as a result, on May 7, 2018, Ms. Benson was suspended pending an investigation.

18. On or about May 14, 2018, Ms. Gilliam was informed that two physicians had filed compliance complaint requests against Ms. Combs concerning an alleged failure to follow policy in a case involving both Ms. Combs and Ms. Benson. After speaking with Ms. Combs

about the alleged incident, Ms. Gilliam concluded that the complaints filed by the two physicians against Ms. Combs were intended as retaliation against Ms. Combs for the suspension of Ms. Benson. As a consequence, Ms. Gilliam filed a formal claim of retaliation against the physicians with Kellie Pearson, the Hospital's Director of Human Resources.

19. In addition, shortly after Ms. Benson was suspended, the nursing staff began filing grievances about the Nurse Work Schedule (which was now the sole responsibility of Ms. Combs) with their Union and the Hospital's Human Resources Department.

20. The grievances were racially motivated and intended to retaliate against Ms. Combs for the suspension of Ms. Benson.

21. Ms. Benson returned to work in June 2018 and was placed on probation for 6 months.

22. On October 30, 2018, during the morning "nurses's huddle," which was attended by approximately 20 nurses, while Ms. Combs was bending over writing notes Ms. Benson kicked Ms. Combs in her rear. Ms. Combs immediately reported the incident to Ms. Gilliam, Ms. Horst and the Hospital's Human Resources Department. The incident occurred two days before the expiration of Ms. Benson's probation.

23. On October 31, 2018, Ms. Combs called the Hospital's Ethics Hotline to report Ms. Benson's conduct. Typically, after such a call an investigation is undertaken.

24. On November 1, 2018, a meeting was convened to discuss the October 30, 2018 incident involving Ms. Benson and Ms. Combs's report to the Ethics Hotline. In attendance were Ms. Combs, Ms. Horst, Ms. Gilliam, Ms. Pearson, Kevin Carrion, a White male and the Hospital's Human Resources Generalist, and Maria Senna, a White female and the Hospital's Interim Vice President and Chief Operating Officer.

25. During the meeting, motivated by her desire to protect Ms. Benson, Ms. Horst asked Ms. Combs if she actually wanted an investigation of her Ethics Hotline complaint against Ms. Benson. It was reported during the meeting that Ms. Benson had admitted she “lightly” kicked Ms. Combs in her rear, but considered her action to be a joke. In contrast, Ms. Combs considered Ms. Benson’s action to be racially motivated, disrespectful and demeaning.

26. During the meeting, motivated by her desire to protect Ms. Benson and insensitive to the racially motivated and demeaning nature of Ms. Benson’s actions, Ms. Senna told Ms. Combs that rather than complain about being kicked by Ms. Benson, she needed “to get tougher skin.” She also told Ms. Combs that Ms. Benson’s kick was not an assault and that Ms. Combs may just have hurt feelings.

27. At the meeting, no decision was made about whether, or how, to discipline Ms. Benson. However, because all of defendants’ employees with authority to discipline Ms. Benson had decided to protect her at the expense of Ms. Combs’s dignity and rights, Ms. Benson was never disciplined for kicking Ms. Combs.

28. After the November 1, 2018 meeting, in retaliation for the Ethics Hotline complaint against Ms. Benson and orchestrated by her, members of the nursing staff began calling the Ethics Hotline to make unfounded complaints against Ms. Combs.

29. The Hospital’s operating room staff is overwhelmingly White. Of the approximately 100 employees that comprise the operating room staff, only 11 are Black, 6 of whom were hired by Ms. Combs in an effort to diversify the operating room staff.

30. Ms. Combs’s efforts to diversify the operating room staff were resisted by White employees and particularly long-time White employees, such as Ms. Benson. For example, Ms. Benson characterized a relatively newly-hired Black surgical technician as “unstable” in a

conversation with Ms. Combs. In addition, Ms. Gilliam complained to Mr. Carrion that the operating room had “a huge diversity issue that is escalating out of control.” Despite this dire warning, the Hospital took no action in response to her complaint.

31. On November 1, 2018, after the meeting described above, frustrated and unsatisfied with her superiors’s response to Ms. Benson’s actions, Ms. Combs notified Joel Freedman, Chairman of AAHS and CEO of Paladin, about Ms. Benson’s assault and her concern regarding “bullying and intimidation at the hands of nursing, physician and anesthesia.” In her email to Mr. Freedman, Ms. Combs also told him that Ms. Benson had made the racially derogatory remark that the Hospital was “her house” and that Ms. Combs “was just a visitor.” (See Exhibit B attached hereto and made a part hereof)

32. From November 2 through November 6, 2018, Ms. Combs was out from work because of the stress she was experiencing as a result of the Hospital’s failure to address the discriminatory, harassing and retaliatory actions directed against her.

33. On November 7, 2018, when Ms. Combs returned to work, she was summoned to two meetings with the Hospital’s Chief Executive Officer and Chief Nursing Officer about her email to Mr. Freedman, both of whom were more concerned about how the email reflected on their leadership than about resolving Ms. Combs’s concerns.

34. On November 9, 2018, Ms. Combs was summoned to a meeting with the Hospital’s Chief Executive Officer, Chief Operating Officer and Chief Nursing Officer, ostensibly to improve communications. Again, however, they were more concerned about how the email reflected on their leadership than about resolving Ms. Combs’s concerns.

35. On November 11, 2018, orchestrated by Ms. Benson, members of the operating room staff met with the Hospital's Chief Executive Officer, Chief Operating Officer and Chief Nursing Officer to complain about Ms. Combs.

36. On November 19, 2018, Ms. Combs was summoned to a meeting with Ms. Horst and Ms. Senna and told that her employment was terminated, allegedly because her position was being immediately eliminated.

37. The alleged elimination of Ms. Combs's position and the termination of her employment were motivated by her race and in retaliation for her complaints about the discriminatory and retaliatory actions of defendants' employees.

38. Ms. Combs has suffered, is now suffering and will continue to suffer emotional distress, mental anguish, loss of enjoyment of life and other non-pecuniary losses as a direct and proximate result of defendants' discrimination, harassment and retaliation.

39. Defendants harassed, discriminated and retaliated against Ms. Combs because of her race.

40. By reason of defendants' discrimination, harassment and retaliation, Ms. Combs suffered extreme harm, including loss of income and other employment benefits, loss of professional opportunities, embarrassment and humiliation.

41. Defendants acted and failed to act willfully, maliciously, intentionally and with reckless disregard for Ms. Combs's rights.

Count I

The Civil Rights Act of 1866, 42 U.S.C. §1981

42. Plaintiff restates and realleges paragraphs 1-41, inclusive, as though set forth here in full.

43. Ms. Combs had a federal statutory right under the Civil Rights Act of 1866, 42 U.S.C. §1981 (“Section 1981”), as amended, to be accorded the same rights as were enjoyed by White employees with respect to the terms and conditions of their employment relationship with defendants and to the enjoyment of all benefits, privileges, terms and conditions of that relationship.

44. Defendants’ conduct described above deprived Ms. Combs of the rights, privileges and immunities guaranteed to her under Section 1981.

45. By reason of defendants’ conduct, Ms. Combs is entitled to all legal and equitable relief available under Section 1981.

Jury Demand

46. Ms. Combs hereby demands a trial by jury as to all issues so triable.

Prayer for Relief

Wherefore, Plaintiff, Candese Combs, respectfully prays that the Court:

a. adjudge, decree and declare that defendants have engaged in illegal race discrimination, harassment and retaliation, and that the actions and practices of defendants complained of herein are violative of her rights under Section 1981;

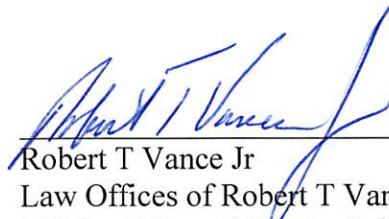
b. order defendants to provide appropriate job relief to Ms. Combs, including reinstatement;

c. enter judgment in favor of Ms. Combs and against defendants for all available remedies and damages under law and equity, including, but not limited to, back pay, front pay, reinstatement, past and future mental anguish and pain and suffering, in amounts to be determined at trial;

d. order defendants to pay the attorney's fees, costs, expenses and expert witness fees of Ms. Combs associated with this case;

e. grant such other and further legal and equitable relief as may be found appropriate and as the Court may deem just or equitable; and

f. retain jurisdiction until such time as the Court is satisfied that defendants have remedied the unlawful and illegal practices complained of herein and is determined to be in full compliance with the law.



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Attorney for Candese Combs

Exhibit A

Maureen Benson, RN

Nurse Manager, Perioperative Services



Exhibit B

From: **candese combs** candesec2@gmail.com
Subject: **St Christopher**
Date: Nov 1, 2018 at 8:55:45 PM
To: joel.freedman@americanacademic.com

Good Evening,

My apologies for reaching out to you from my personal email. My name is Candese Combs, nurse manager with St. Christopher's Hospital for Children(SCHC). I had the opportunity to meet two weeks ago outside the SCHC OR, during our brief discussion you extended the invitation that I could email if any of my concerns .

Today, is truly a sad day for me to say I am a employee of SCHC words cannot begin to express the perplexed feeling I have. Over the past year I have endure multiple levels of documented bullying ,and intimidation at the hands of nursing, physician and anesthesia.

When joining SCHC family I was excited and embraced the challenge to enhance peri operative services compliance, and standardize practice and process through diversity and continued education. So that SCHC would stand with pride among our medical community. Now I realize I have simply endure documented torture and I am viewed as a person /employee with no value in face of promoting change. This has become evident as of 10/30/2018 when a staff nurse kick me in my buttocks with her foot during the OR morning huddle. During a meeting held on November 1st this nurse admitted to physically kicking me (management) in front of my entire unit as a acceptable laughable practice .

I am appalled and speechless as to how do I began to process that someone would actually think it is laughable or acceptable to kick another person let alone their manager as acceptable behavior and sound judgement. I trying to process that someone has factually

violated my personal space and has kick me in my buttocks and because I'm a manager I am rendered powerless. This nurse has never like or shown respect for position and to endure this level of disrespect is irreversible and speaks volumes to the lack of respect for management.

I have endured 3 days of pure torture and re-victimizations at the hands of, my offender and HR- who was suppose to be non-bias and the gate keeper of safety and integrity for all who are on St. Christopher's medical campus.

And to be told I need to get " tougher skin". As the nurse 's act was not an act of assault instead an act of poor judgement that may have left me with hurt emotions. Again, I'm not sure how to began to process that statement. When I posed the question if I had done this to an employee I would have been fired and escorted of campus with the possibility of facing criminal charges? No one seem to have a response as the room was silent. How does a process move on from that?

I am personally and professionally embarrassed and concerned for my future at SCHC. At this point I'm numb and don't know how to began to accept a request of this magnitude and how to move past the violation of my civil right as a human being, employee , and manager over a nurse with embedded relationship and long tender with SCHC. I guess this nurse was correct when she stated and made it perfectly clear that "St Christopher's was her house and I was a just visitor" . This was said and witness by another manager and staff.

Personally, I don't know how to began to explain to my family about

this outcome . My family is deeply concerned for my safety and career.

During my employment I have maintain my dedication to SCHC with integrity, and professionalism. To be physically kicked and violated is quite demoralizing that has left with the feeling anguish and pain in regards to the entire situation. I don't know what I will experience next.

Thank you allowing me this opportunity.

Regards,

Candese Combs, BSN, RN
SCHC Nurse Manager for Perioperative Services
[267-322-8557](tel:267-322-8557)

Sent from my iPhone